

Knobbe Martens Olson & Bear LLP
Intellectual Property Law

RECEIVED
CENTRAL FAX CENTER

MAR 23 2005

2040 Main Street
Fourteenth Floor
Irvine, CA 92614
Tel 949-760-0404
Fax 949-760-9502
www.kmob.com

Facsimile Transmittal Sheet

ORIGINAL WILL NOT FOLLOW

Confidentiality Notice:

The documents accompanying this facsimile transmission contain confidential information which may be legally privileged. The information is intended only for the use of the recipient named below. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us; and any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited.

TO: Matthew J. Kremer
USPTO FACSIMILE NO.: (703) 872-9306
USPTO REFERENCE: Applicants: Gene Mason et al.
Serial No.: 10/679,963
Filed: October 6, 2003
Title: OPTICAL PROBE INCLUDING
PREDETERMINED EMISSION WAVELENGTH
BASED ON PATIENT TYPE
ATTORNEY: John M. Grover
PHONE NO.: (949) 721-2946
ATTORNEY DOCKET NO.: MASIMO.353A
TOTAL PAGES: 11 (INCLUDING COVER SHEET)
OPERATOR: Lisa Sierra
DATE: March 23, 2005

IF YOU DID NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK IMMEDIATELY.

Facsimile Operator Phone Number: (949) 760-0404

Direct Line to Machine: (949) 760-9502

MESSAGE: ***Attached for filing in the above-referenced application are:***

- TRANSMITTAL LETTER IN 2 PAGES
- AMENDMENT AND RESPONSE TO FINAL
OFFICE ACTION DATED
DECEMBER 23, 2004 IN 8 PAGES

1437705_1
032305

San Diego
619-235-8550

San Francisco
415-954-4114

Los Angeles
310-551-3450

Riverside
951-781-9231

San Luis Obispo
805-547-5580

Docket No.: MASIMO.353A

March 23, 2005

Page 1 of 2

Please Direct All Correspondence to Customer Number **20995****AMENDMENT / RESPONSE TRANSMITTAL**

Appl. No. : 10/679,963
 Applicants : Gene Mason et al.
 Filed : October 6, 2003
 TC/A.U. : 3736
 Examiner : Matthew J. Kremer

Title : **OPTICAL PROBE
 INCLUDING
 PREDETERMINED
 EMISSION WAVELENGTH
 BASED ON PATIENT TYPE**

Docket No. : MASIMO.353A
 Cust. No. : 20,995

Confirmation No. : 3580

Certificate Of Fax Transmission

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to the USPTO Central Fax No. (703) 872-9306 on the date shown below:

March 23, 2005

(Date)

John M. Grover, Reg. No. 42,610

RECEIVED
CENTRAL FAX CENTER
MAR 23 2005

Box AF

Commissioner for Patents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application is the following enclosure:

- (X) an Amendment and Response to Final Office Action dated December 23, 2004 in 8 pages.

The fee has been calculated as shown below:

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Total Claims	15 - 20 = 0	1202 (\$50)	0 x 50 =	\$0
Independent Claims	1 - 3 = 0	1201 (\$200)	0 x 200 =	\$0
			TOTAL FEE DUE	\$0

Docket No.: MASIMO.353A

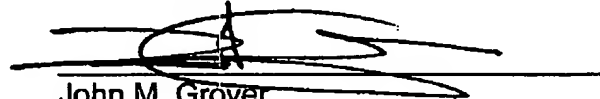
March 23, 2005

App. No.: 10/679,963

Page 2 of 2

Please Direct All Correspondence to Customer Number 20995

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.



John M. Grover
Registration No. 42,610
Attorney of Record
Customer No. 20,995
(949) 760-0404

1437592_1
032305

MAR 23 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/679,963
Applicants : Gene Mason et al.
Filed : October 6, 2003
TC/A.U. : 3736
Examiner : Matthew J. Kremer

Title : OPTICAL PROBE
INCLUDING
PREDETERMINED
EMISSION WAVELENGTH
BASED ON PATIENT TYPE

Docket No. : MASIMO.353A
Cust. No. : 20,995

Confirmation No. : 3580

Certificate Of Fax Transmission

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to the USPTO Central Fax No. (703) 872-9306 on the date shown below:

March 23, 2005

(Date)

John M. Grover, Reg. No. 42,610

Box AF

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION
DATED DECEMBER 23, 2004**

Sir:

In response to the Office action of December 23, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.